

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

KRISTOPHER M. RICHARDSON,

Plaintiff,

No. CIV S-04-2625 MCE KJM P

vs.

HIGH DESERT STATE PRISON, et al.,

Defendants.

ORDER

Plaintiff is a state prisoner proceeding pro se. Plaintiff has filed a complaint seeking relief under 42 U.S.C. § 1983 and has requested leave to proceed in forma pauperis under 28 U.S.C. § 1915. This proceeding was referred to this court by Local Rule 72-302 based on 28 U.S.C. § 636(b)(1).

Plaintiff has submitted a declaration that makes the showing required by 28 U.S.C. § 1915(a). Accordingly, the request to proceed in forma pauperis will be granted.

Plaintiff is required to pay the statutory filing fee in effect at the time of filing of this action, \$150.00. 28 U.S.C. §§ 1914(a), 1915(b)(1). Plaintiff has been without funds for six months and is currently without funds. Accordingly, the court will not assess an initial partial filing fee. 28 U.S.C. § 1915(b)(1). Plaintiff is obligated to make monthly payments of twenty percent of the preceding month's income credited to plaintiff's prison trust account. These

1 payments shall be collected and forwarded by the appropriate agency to the Clerk of the Court
2 each time the amount in plaintiff's account exceeds \$10.00, until the filing fee is paid in full. 28
3 U.S.C. § 1915(b)(2).

4 Plaintiff has filed several documents, after plaintiff filed his initial complaint,
5 alleging multiple misdeeds by defendants and other correctional officials and seeking various
6 forms of relief. Plaintiff will be given leave to file a single "amended complaint" asserting all of
7 plaintiff's claims and corresponding requests for relief, as Local Rule 15-220 requires that a
8 complaint be complete in itself without reference to any prior pleading. Plaintiff also is informed
9 that the court views the number documents filed by plaintiff thus far as excessive, and most of
10 the documents do not conform to the Local Rules of the Court, the Federal Rules of Civil
11 Procedure and other federal laws. Plaintiff is cautioned that is he continues to file excessive and
12 unauthorized documents he will be sanctioned, possibly with dismissal.

13 Plaintiff is informed that if plaintiff chooses to file an amended complaint,
14 plaintiff must demonstrate how the conditions complained of have resulted in a deprivation of
15 plaintiff's constitutional rights. See Ellis v. Cassidy, 625 F.2d 227 (9th Cir. 1980). Also, the
16 complaint must allege in specific terms how each named defendant is involved. There can be no
17 liability under 42 U.S.C. § 1983 unless there is some affirmative link or connection between a
18 defendant's actions and the claimed deprivation. Rizzo v. Goode, 423 U.S. 362 (1976); May v.
19 Enomoto, 633 F.2d 164, 167 (9th Cir. 1980); Johnson v. Duffy, 588 F.2d 740, 743 (9th Cir.
20 1978). Furthermore, vague and conclusory allegations of official participation in civil rights
21 violations are not sufficient. Ivey v. Board of Regents, 673 F.2d 266, 268 (9th Cir. 1982).

22 In accordance with the above, IT IS HEREBY ORDERED that:

23 1. Plaintiff's request for leave to proceed in forma pauperis is granted.

24 2. Plaintiff is obligated to pay the statutory filing fee of \$150.00 for this action.

25 The fee shall be collected and paid in accordance with this court's order to the Director of the
26 California Department of Corrections filed concurrently herewith.

1 3. All of plaintiff's prior "complaints" and "motions" styled as complaints are
2 dismissed.

3 4. Plaintiff is granted thirty days from the date of service of this order to file an
4 amended complaint that complies with the requirements of the Civil Rights Act, the Federal
5 Rules of Civil Procedure, and the Local Rules of Practice; the amended complaint must bear the
6 docket number assigned this case and must be labeled "Amended Complaint"; plaintiff must file
7 an original and two copies of the amended complaint; failure to file an amended complaint in
8 accordance with this order will result in a recommendation that this action be dismissed.

9 5. Other than plaintiff's request for leave to proceed in forma pauperis, all
10 outstanding motions and requests are denied without prejudice.

11 6. The Clerk of Court is directed to send plaintiff another form for use by an
12 inmate wishing to file a complaint under 42 U.S.C. § 1983.

13 DATED: May 19, 2005.

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16 UNITED STATES MAGISTRATE JUDGE
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